

The article was alleged to be misbranded in that certain statements regarding its curative and therapeutic effects, appearing on the tube labels, falsely and fraudulently represented that it was effective as an intestinal antiseptic and bacteriostat and as an astringent that arrests discharges; as an intestinal antiseptic destructive to poisonous germs, and as a bacteriostat to stop the growth of bacteria; effective in the drinking water of fowls as an aid in the treatment of coccidiosis, diarrhea, dysentery, fowl typhoid, avian hemorrhagic septicemia (fowl cholera), and other diseased conditions of the intestinal tract in poultry that may be transmitted by contaminated drinking water; and effective as a treatment for sick birds.

On June 10, 1937, a plea of nolo contendere was entered on behalf of the defendants and the court imposed a fine of \$50 and costs.

M. L. WILSON, *Acting Secretary of Agriculture.*

27378. Adulteration and misbranding of tincture of nux vomica. U. S. v. Economy Laboratories, Inc. Plea of nolo contendere. Fine, \$50 and costs. (F. & D. no. 36976. Sample no. 27443-B.)

This product was sold under a name recognized in the United States Pharmacopoeia but differed from the standard established by that authority since it yielded a smaller amount of the alkaloids of nux vomica than provided therein.

On April 13, 1936, the United States attorney for the Southern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Economy Laboratories, Inc., Peoria, Ill., charging shipment by said defendant in violation of the Food and Drugs Act on or about March 29, 1935, from the State of Illinois into the State of Kansas of a quantity of tincture of nux vomica that was adulterated and misbranded. The article was labeled in part: "El Tincture Nux Vomica U. S. P. * * * Economy Laboratories, Inc."

The article was alleged to be adulterated in that it was sold under a name recognized in the United States Pharmacopoeia and differed from the standard of strength, quality, and purity as determined by the tests laid down therein since it yielded less than 0.237 gram, that is, not more than 0.174 gram of the alkaloids of nux vomica per 100 cubic centimeters; whereas the pharmacopoeia provided that tincture of nux vomica should yield not less than 0.237 gram of the alkaloids of nux vomica per 100 cubic centimeters; and the standard of strength, quality, and purity of the article was not declared on the container thereof. Said article was alleged to be adulterated further in that its strength and purity fell below the professed standard and quality under which it was sold.

It was alleged to be misbranded in that the statements, "Tincture Nux Vomica, U. S. P." and "Adjusted by assay to the U. S. P. Standard," borne on the bottle label, were false and misleading since they represented that the article was tincture of nux vomica which conformed to the standard laid down in said United States Pharmacopoeia; whereas it did not conform to said standard.

On June 10, 1937, a plea of nolo contendere was entered on behalf of the defendant and the court imposed a fine of \$50 and costs.

M. L. WILSON, *Acting Secretary of Agriculture.*

27379. Misbranding of rubbing alcohol compound. U. S. v. 17½ Dozen Bottles of Rubbing Alcohol Compound. Default decree of condemnation and destruction. (F. & D. no. 37126. Sample no. 50492-B.)

This product consisted essentially of isopropyl alcohol and water with traces of borax. Its label, however, bore the conspicuous statement "Rubbing Alcohol Compound", a name which conveyed the impression that it was made from ordinary ethyl alcohol, and this impression was not corrected by the relatively inconspicuous statement of the presence of isopropyl alcohol. The percentage of isopropyl alcohol was not declared on the label.

On January 29, 1936, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 17½ dozen bottles of rubbing alcohol compound at Bridgeport, Conn., alleging that the article had been shipped in interstate commerce by Best Value Sales Co., Inc., from New York, N. Y., and charging misbranding in violation of the Food and Drugs Act. It was labeled in part: "Rubbing Alcohol Compound * * * Certified Rx Laboratories New York—Chicago."

The article was alleged to be misbranded in that the statement "Rubbing Alcohol Compound", borne on the bottle label, was false and misleading when